

ORDINANCE NUMBER 1144-2017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVER OAKS, TEXAS, AMENDING SECTION 13.02.074 OF THE CODE OF ORDINANCES REGARDING FORT WORTH SYSTEM ACCESS FEES FOR WASTEWATER; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of River Oaks, Texas, is a home rule City acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City of River Oaks has previously entered into a wholesale wastewater contract with the City of Fort Worth to provide wastewater services to the City of River Oaks; and

WHEREAS, the wholesale wastewater contract with Fort Worth requires that the City of River Oaks pass through Fort Worth wastewater system access fees to the customers in River Oaks; and

WHEREAS, the City of Fort Worth has revised its wastewater system access fees effective April 1, 2017; and

WHEREAS, pursuant to River Oaks' wholesale wastewater contract with Fort Worth, the City Council desires to amend Section 13.02.074 of the Code of Ordinances to implement the new Fort Worth wastewater system access fees as set forth herein.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVER OAKS, TEXAS:

SECTION 1.

That Chapter 13 "Utilities", Division 3 "Wastewater Service Policy" is hereby amended by amending Section 13.02.074 "Impact Fees" to read as follows:

"Sec. 13.02.074 Fort Worth system facility access fee (impact fees)

The system facility access fees are those imposed upon the City of River Oaks by the City of Fort Worth for providing wastewater service to new development contained within the incorporated city limits of River Oaks and to which service is provided either directly or indirectly by the City of Fort Worth wastewater system. The system facility access fees for residential and other classes of customers shall be the applicable system facility access fees set and assessed by the City of Fort Worth pursuant to the wholesale wastewater contract between Fort Worth and River Oaks."

SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances of the City of River Oaks, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

This ordinance shall be in full force and effect from and after its passage, and it is so ordained.

PASSED AND APPROVED ON THIS 28TH DAY OF MARCH, 2017.


MAYOR

ATTEST:


CITY SECRETARY